



Property to the Clerk of the Court contemporaneously with the filing of this Counterclaim. *See* Table of Contents for Original Bills of Lading deposited with the Clerk, attached as Exhibit “A.”

## I.

The Court has original jurisdiction to adjudicate this case under 28 U.S.C. Section 1335, Statutory Interpleader. The known claimants to the Property have appeared in this case as Owl Shipping LLC (“Owl”), the Vessel, Scorpio Ultramax Pool, Ltd. (“Scorpio”), SBI Chartering and Trading, Ltd. (“SBI”), and Texas Terminal, LP (“Texas Terminal”) (collectively, “Claimants”). All Claimants are of diverse citizenship from one another and from the Defendant-Stakeholder, and the amount in controversy exceeds the jurisdictional minimum of \$500.00.

## II.

Defendant-Stakeholder Suntime is a foreign entity organized and existing under the laws of China.

The INTER PRIDE is a motor vessel bearing IMO number 9209491 and registered under the flag of South Korea.

On information and belief, Owl is a foreign company organized and existing under the laws of the Marshall Islands.

On information and belief, Scorpio and SBI are foreign entities organized and existing under the laws of Monaco, with a business address at Le Millenium – 9, Boulevard Charles III – MC 98000, Monaco.

On information and belief, Texas Terminal is a domestic entity organized and existing under the laws of Texas.

### III.

Venue is proper in this district under 28 U.S.C. Section 1397 because the INTER PRIDE and one of the Claimants, Texas Terminal, are located within this judicial district. Additionally, Claimants have sought attachment in this Court of the subject property located within this judicial district.

### IV.

The underlying lawsuit involves claims arising out of the alleged breach of a charter party.

On or about June 18, 2014, Suntime entered into a charter party with Owl for Owl's vessel the M/V OWL. Owl alleges that Suntime defaulted on that charter party by failing to make a payment in contravention of the charter party's terms. Owl filed the underlying Rule B attachment in this Court on August 22, 2014, seeking to attach the cargo and bunkers onboard the INTER PRIDE, which is owned by a non-party and under time charter to Suntime. *See Owl's Verified Complaint*, Dkt. No. 1. In its Complaint, Owl alleged damages in the amount of \$1,330,000.00.

After Owl filed its Complaint, Claimants moved to intervene and attach or otherwise assert claims against the bunkers and cargo onboard the INTER PRIDE.

Following the institution of this suit by Owl, the owner of the INTER PRIDE revoked the charter, assumed control of its vessel, and presumably intends to conclude the voyage of the INTER PRIDE. The voyage cannot be concluded and the cargo delivered without possession of the original bills of lading for the cargo onboard.

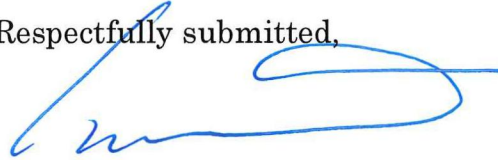
V.

A dispute is likely to arise between the Claimants and the owner of the INTER PRIDE (who has not yet made an appearance in this action) over ownership or possession of the Property, and any transfer of the Property will likely subject Suntime to competing claims from the Claimants. Suntime therefore seeks to interplead the Original Bills of Lading with this Court, so that the Court can determine which parties are entitled to possession of which Original Bills of Lading. Suntime asks that the Court discharge Suntime from all liability to Claimants regarding possession or transfer of the Original Bills of Lading and fairly adjudicate their rightful ownership.

WHEREFORE, Dalian Suntime Int'l Transportation Co., Limited prays that this Court direct the Clerk of Court to accept the Original Bills of Lading from counsel for Suntime and preserve those Original Bills of Lading until such time as the Court determines who is entitled to their possession. Suntime further prays that the Court discharge Suntime from all liability to any entity regarding its transfer of the impleaded Original Bills of Lading, dismiss Suntime from

interpleader action, and grant such other and further relief to which Suntime may be justly entitled.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of **Defendant-Stakeholder's Interpleader Counterclaim** was electronically filed with the Clerk, with a copy thereof furnished to all known counsel of record electronically by the Clerk or by the undersigned counsel via certified mail, return receipt requested on this the 10<sup>th</sup> day of October, 2014, as follows:

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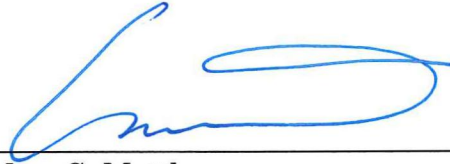
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**Attorney for Intervenor-Claimants Scorpio Ultramax Pool Ltd.,  
and SBI Chartering and Trading, Ltd.**

A handwritten signature in blue ink, appearing to read 'Marc G. Matthews', is written over a horizontal line.

Marc G. Matthews